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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,988	08/12/2003	Hiroyuki Sugawara	450100-04709	6298

7590 09/20/2006	EXAMINER	
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NEW YORK, NY 10151	ART UNIT	PAPER NUMBER
	2168	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/638,988	SUGAWARA ET AL.
	Examiner	Art Unit	
	OLUBUSOLA ONI	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed May 8, 2006 has been entered. Claims 1 – 6 are pending.

Claims 1 and 2 have been amended.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by

another filed in the United States before the invention thereof by the applicant for

patent, or on an international application by another who has fulfilled the requirements

of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof

by the applicant for patent.

3.   Claim1 is rejected under 35 U.S.C. 102(e) as being anticipated by David Chou

(Pub. No U.S 2003/0004984) hereinafter "David".

For claim 1 David teaches data storage system having a plurality of terminal

apparatuses of users connected with a data storage unit of a service provider via a

computer network" (See paragraph [0020]), said data storage unit storing data from

inside said terminal apparatuses so that the stored data are subsequently used by said

users (See paragraph [0030]), said data storage unit comprising:

"connecting means for connecting said data storage unit of said service provider with one

or more terminal apparatuses associated with each of said users via said computer

network independently of types of said terminal apparatuses (See paragraph [0022],

[0024-0025]);

"file storing means for allocating to each one of said users a user area of a

predetermined size in which to store data from inside the respective terminal apparatus

of the user in question" (See paragraph [0020]);

"file managing means for managing the data being stored in said file storing means (See

paragraph [0030]); and data format converting means for performing a data format

converting means process on the stored data in said file storing means" (See paragraph

[0020, 0023-0024])

"wherein, in response to a use request from any user other than the user in question,

said data format converting means converts stored data in said file storing means into a

format compatible with the type of the terminal apparatus used by the requesting user

for connection to the system, the converted data being used by said terminal apparatus

through which said requesting user has sent said use request" (See paragraph [0020-

0025]).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be

negatived by the manner in which the invention was made.

5.   Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

David Chou (Pub. No U.S 2003/0004984) hereinafter "David" in view of Deepak Puri,

Mississauga (Pub No. US 2001/0037241) hereinafter "Puri".

For claim 2, this claim is rejected on grounds corresponding to the argument give above

for rejected claim 1 above. David does not explicitly teach "data disclosure controlling

means to enable each user to manage the conditions under which the respective stored

data in said data storing means are allowed to be used" and "wherein said data

disclosure controlling means enables the data for which said use conditions have been

set by each user to be used by users other than the user who stored the data in

question into said data storing means".

However, Puri teaches "data disclosure controlling means for managing use conditions

under which said stored data in said data storing means are allowed to be used" (See

paragraph [0038-0039]) and "wherein said data disclosure controlling means enables

the data for which said use conditions have been set to be used by users other than the

user who stored the data in question into said data storing means" (See paragraph

[0038-0040]).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify David by teachings of Puri. Puri's system is unique in that not all users require

a user name and password to access the data storage, but entering a username and

password would help identify whether or not the user is a specific type of user.

 For claim 3 this claim is rejected on grounds corresponding to the argument give above

for rejected claim 2 above. David does not explicitly teach "announcing means for

announcing that the data for which said use conditions have been set are usable by the

users other than said user who stored the data in question into said data storing

means".

However, Puri teaches "announcing means for announcing that the data for which said

use conditions have been set are usable by the users other than said user who stored

the data in question into said data storing means" (See paragraph [0075, 0100]).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify David with the teachings of Puri, because the announcing means
works as a matching base that matches a potential buyer with a seller.

For claim 4, this claim is rejected on grounds corresponding to the argument give above
for rejected claim 3 above. David does not explicitly teach "wherein said announcing
means makes the announcement to a specific user other than said user who stored the
data in question into said data storing means".
However, Puri teaches "wherein said announcing means makes the announcement to a
specific user other than said user who stored the data in question into said data storing
means" (See paragraph [0114]).

For claim 5, this claim is rejected on grounds corresponding to the argument give above
for rejected claim 3 above. David does not explicitly teach "means for establishing either
in response to a request from another user before said announcement, or after said
announcement".
However, Puri teaches "means for establishing either in response to a request from another
user before said announcement, or after said announcement"(See paragraph [0076])
It would have been obvious to one of ordinary skill in the art at the time of the invention
to modify David by teachings of Puri, wherein Puri's teachings included finding a
potential buyer and contacting the buyer, without the matching process.

For claim 6 this claim is rejected on grounds corresponding to the argument give above for rejected claim above. David does not explicitly teach "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set".

However, Puri teaches "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set" (See paragraph [0039-0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify David by the teachings of Puri, because obtaining a user name and password through registration would have included the need to enter varied information which becomes the users profile, likewise the history or interest of a user may be based on relevant data enter by the user.

Response to Arguments

6.   Applicant 's arguments filed May 8, 2006 been fully considered but they are not persuasive. The examiner respectfully transverse applicant's argument and has also fixed the mistake in the previous office action.

For claim 1 applicant argued David does not "connecting means for connecting said data storage unit of said service provider with one or more terminal apparatuses associated with each of said users via said computer network independently of types of said terminal apparatuses" on the contrary David teaches this limitation at (See

paragraph [0022], [0024-0025]). Wherein the transcoded pages do not only associate

with Mobile phones or a PDA, it also supports a Palm and a PC. David also teaches a

device specification database for storing the specification of a users pc or mobile

device, wherein when the transcoded groups are outputted to the mobile device, it will

be displayed according to the users specification saved in the database.

"file storing means for allocating to each one of said users a user area of a

predetermined size in which to store data from inside the respective terminal apparatus

of the user in question" on the contrary David teaches this limitation at (See paragraph

[0020]); wherein David teachings include a device specification database for storing the

specification of a users pc or mobile device, wherein when the transcoded groups are

outputted to the mobile device, it will be displayed according to the users specification

saved in the database.

"wherein, in response to a use request from any user other than the user in question,

said data format converting means converts stored data in said file storing means into a

format compatible with the type of the terminal apparatus used by the requesting user

for connection to the system, the converted data being used by said terminal apparatus

through which said requesting user has sent said use request" (See paragraph [0020-

0025] wherein a user request an html page which was written by another user, and the

request can be outputted to the users PC or mobile device , to fit the screen of the

device used to request the page.

For claim 2 applicant argued Puri does not teach "data disclosure controlling means to

enable each user to manage the conditions under which the respective stored data in

said data storing means are allowed to be used" and "wherein said data disclosure

controlling means enables the data for which said use conditions have been set by each

user to be used by users other than the user who stored the data in question into said

data storing means". On the contrary, Puri teaches "data disclosure controlling means

for managing use conditions under which said stored data in said data storing means

are allowed to be used" (See paragraph [0038-0039]) and "wherein said data disclosure

controlling means enables the data for which said use conditions have been set to be

used by users other than the user who stored the data in question into said data storing

means" (See paragraph [0038-0040]). Wherein Puri teachings the data controlling,

wherein most users are required to access the system by verification; i.e. (user name

and password) accessing the system with their login information as required. While

some users don't require a user name and password to access the system based on

the kind of features they are accessing. Wherein a user request access to web pages or

data, which are written or provided by other users.

In light of the foregoing arguments, the 35 U.S.C 102 and 35 U.S.C 103 rejections are

hereby sustained.

CONCLUSION

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-

2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KHANH B. PHAM
PRIMARY EXAMINER

OLUBUSOLA ONI
Examiner
Art Unit 2168